

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

HANLEY CHEW (CSBN 189985)
Assistant United States Attorney
San Jose Division

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5060
Facsimile: (408) 535-5066
Hanley.Chow@usdoj.gov

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

The parties hereby request that the Court enter this order continuing the status conference from July 26, 2010 to August 23, 2010, and excluding time from July 26, 2010 to August 23, 2010. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from July 26, 2010 to August 23, 2010 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate.

Defendant and defense counsel have requested the opportunity to review the images and

STIP. & [] ORDER
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1 films that are at issue in this case. The government will also provide a computer forensics report
2 on the computer and other digital media upon which the images and films were found by the
3 week of July 5, 2010. Once this report has been provided, defendant and defense counsel will
4 need additional time to review and analyze it. In addition, defense counsel is currently in trial
5 and may continue to be in trial the week of July 26, 2010. Moreover, government counsel will
6 be on annual leave the week of July 26, 2010.

7 Therefore, for effective preparation of defense counsel and continuity of counsel, the
8 parties agree that the status conference currently scheduled for July 26, 2010 should be
9 continued to August 23, 2010 at 9 a.m.

10 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
11 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
12 effective preparation of the defense and continuity of defense counsel; believes the exclusion is
13 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial
14 Act, 18 U.S.C. § 3161, should be for the period from July 26, 2010 to August 23, 2010.

15 Given these circumstances, the parties believe, and request that the Court find, that the
16 ends of justice are served by excluding from calculations the period from July 26, 2010 to
17 August 23, 2010 outweigh the best interests of the public and the defendant in a speedy trial
18 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

19 IT IS SO STIPULATED.

20 DATED: 6/30/10

/s/ Richard Pointer
RICHARD POINTER
Attorney for Defendant

23 DATED: 6/30/10

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

26 **[] ORDER**

27 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
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1 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
2 U.S.C. § 3161, from July 26, 2010 to August 23, 2010, based on the need for the defense counsel
3 to investigate further the facts of the present case, review the discovery that the government has
4 already provided and will provide and evaluate further possible defenses and motions available
5 to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense
6 and continuity of counsel and is in the defendant's best interests; and (3) the ends of justice are
7 served by excluding from Speedy Trial calculations the period from July 26, 2010 to August 23,
8 2010.

9 Accordingly, the Court further orders that (1) the status conference currently scheduled
10 for July 26, 2010 is vacated and that the next appearance date before this Court is scheduled for
11 August 23, 2010 at 9:00 a.m.; and (2) the time from July 26, 2010 to August 23, 2010 is
12 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

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14 IT IS SO ORDERED.

15 DATED: 7/14/10


THE HONORABLE RONALD M. WHYTE
United States District Court Judge

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